

DECLARATION OF MR. JAMES JOSEPH ROSS WHEELER

1. My name is James Joseph Ross (“J.R.”) Wheeler. I reside in Crandall, Texas.
2. I am a U.S. citizen. I have never been charged with or convicted of a felony. I am able to legally purchase and possess firearms.
3. I also have a Federal Firearms License and am the 50% owner of a small business selling firearms and ammunition.
4. I am aware that the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) has claimed that forced reset triggers qualify as “machineguns.”
5. In the past, I have owned and sold forced reset triggers.
6. In my experience, I would place the pre-installation and tuned value of a forced reset trigger at approximately \$425.
7. I intend to continue to buy and sell forced reset triggers. However, I am chilled from doing so by the government’s interpretation of “machinegun,” and am not willing to risk civil or criminal prosecution for doing so.
8. In addition, I currently personally own 1 forced reset trigger. My business has 2 forced reset triggers in its inventory.
9. I would like to continue to own and possess forced reset triggers. However, I am concerned that by doing so, I place myself at risk of having my property seized by the federal government.
10. If I am not able to obtain judicial relief, I will be forced to surrender 3 forced reset triggers, valued at approximately \$1,275 to the ATF.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on July 28, 2023.

By: 
Mr. James Joseph Ross Wheeler

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
_____ DIVISION

NATIONAL ASSOCIATION FOR GUN
RIGHTS, INC., ET AL.,

Plaintiffs,

v.

MERRICK GARLAND,
IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL
OF THE UNITED STATES, ET AL,

Defendants.

Case No. _____

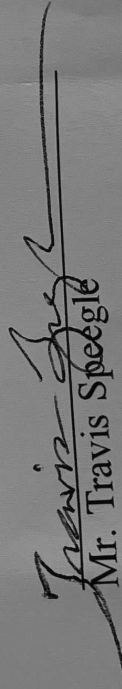
DECLARATION OF MR. TRAVIS SPEEGLE

1. My name is Travis Speegle. I reside in Austin, Texas.
2. I am a U.S. citizen. I have never been charged with or convicted of a felony. I am able to legally purchase and possess firearms.
3. I am aware that the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") has claimed that forced reset triggers qualify as "machineguns."
4. I currently own 10.
5. I would like to continue to own, possess, and enjoy the use of my forced reset triggers. However, I am concerned that by doing so, I place myself at risk of having my property seized by the federal government.
6. If I am not able to obtain judicial relief, I will be forced to surrender 10 forced reset triggers, valued at approximately \$4,000.00 to the ATF.
7. In addition, I intend to purchase additional forced reset triggers. I am currently unable to do so due to the ATF's interpretation, which places myself and anyone who sells a forced reset trigger to me at risk of civil and/or criminal prosecution.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on July 18, 2023.

By:


Mr. Travis Speegle

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
_____ DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, INC., ET AL.,

Plaintiffs,

v.

MERRICK GARLAND,
IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL
OF THE UNITED STATES, ET AL,

Defendants.

Case No. _____

DECLARATION OF MR. PATRICK CAREY

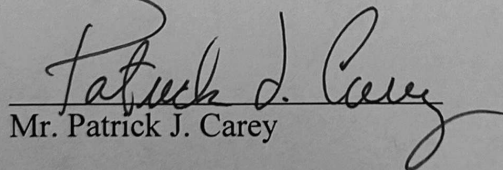
1. My name is Patrick J. Carey. I reside in Zachary, Louisiana.
2. I am a U.S. citizen. I have never been charged with or convicted of a felony. I am able to legally purchase and possess firearms.
3. Prior to August 22, 2022, I purchased and owned two "FRT-15—Rarebreed Trigger."
4. The purchase price for each FRT-15 was \$ 300/450.
5. On August 22, 2022, agents from the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") visited my house. They provided me with a letter asserting that that "ATF has information that you have acquired one or more Forced/Hard Reset Trigger (FRT) devices," that "[t]hese items have been classified as machineguns that were unlawfully manufactured. Possession of these devices is a violation of law due to their illegal manufacture," and that "*the unlawful receipt and possession of any of these devices is a felony violation of Federal law*" (emphasis in the original). A true and correct copy of this letter is attached to this Declaration.

6. In response to the ATF's assertion that the continued possession of a forced reset trigger is a felony violation of federal law, and in fear of civil or criminal prosecution, I surrendered two FRT-15 forced reset triggers to the ATF. A true and correct copy of the "Consent to Forfeiture or Destruction of Property and Waiver of Notice" form is attached to this Declaration.
7. I did not want to get rid of my FRT-15 forced reset triggers. I would like to own forced reset triggers. I would like to purchase new forced reset triggers. But for the ATF's threat of federal prosecution, I would purchase new forced reset triggers.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on July 28, 2023.

By:


Mr. Patrick J. Carey



985-281-2883
Indeps -
IOT
Local Downing

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

[Baton Rouge] Field Division

[Date] 8-22-22

www.atf.gov

TO: Patrick Carey
5016 Knight Drive
Zachary, LA

WARNING NOTICE

YOU MAY BE IN VIOLATION OF FEDERAL LAW

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is responsible for enforcing Federal firearms laws. ATF has information that you have acquired one or more Forced/Hard Reset Trigger (FRT) devices [Insert exact description of purchased item(s) if available] from Gunbroker.com account "RifleRemedy2000". These items have been classified as machineguns that were unlawfully manufactured. Possession of these devices is a violation of law due to their illegal manufacture. As such, due to their illegal manufacture, the registration of these devices in the National Firearms Registration and Transfer Record (NFRTR) is also a violation of law.

This letter officially notifies you that the unlawful receipt and possession of any of these devices is a felony violation of Federal law and devices that are unlawfully received or possessed are subject to seizure and forfeiture by the Federal government. Continued possession of any of the devices could result in prosecution for criminal violations of Federal law as well as potential State criminal violations. Any future purchase or possession of such devices may subject you to prosecution as well.

The National Firearms Act (NFA), Title 26 U.S.C. Section 5845(b), defines the term "machinegun" as:

"...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person."

The Gun Control Act of 1968 (GCA), as amended, Title 18 U.S.C. Section 922(c) prohibits an individual from possessing or transferring any machinegun not lawfully possessed prior to May 19, 1986. Federal regulation at Title 27 C.F.R. Section 479.105(c) generally permits qualified importers or manufacturers to manufacture or import machineguns after May 19, 1986, for sale or distribution to the government. However, it has been determined that these FRT machineguns, at least one of which is in your possession, were not lawfully manufactured pursuant to this regulation. Therefore, it is not lawful for you to possess the FRT machinegun(s).

Immediately contact your local ATF office at [phone number] within 30 days of receipt of this letter to coordinate the abandonment of any, and all, of the FRT machinegun(s) described above.

Thank you for your prompt attention to this matter.

Sincerely yours,

[J. Hutchison]

Special Agent

Bureau of Alcohol, Tobacco, Firearms and Explosives

[Baton Rouge] Field Division

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, INC., ET AL.,

Plaintiffs,

v.

MERRICK GARLAND,
IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL
OF THE UNITED STATES, ET AL,

Defendants.

Case No. 4:23-cv-00830-O

DECLARATION OF RYAN J. FLUGAUR

I, Ryan J. Flugaur, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this Declaration. The evidence set out in this Declaration is based on my personal knowledge.

2. I am employed as the vice president of the Plaintiff in this action, the National Association for Gun Rights, Inc (the "NAGR"). I am familiar with NAGR's records.

3. From the date the preliminary injunction was issued by Judge Reed O'Connor of the United States District Court for the Northern District of Texas, until the present date, NAGR has been made aware by 10 of its members that they were contacted by the ATF in attempts to have those NAGR members surrender their FRT-15s.

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 31, 2023


Ryan J. Flugaur

United States Courts Southern
District of Texas
FILED

NOV 09 2022

Nathan Ochener, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

v.

TERRENCE JAMES BRUGGEMAN

§
§
§ CRIMINAL NUMBER C-22-185-SS
§
§

SECOND SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

On or about March 3, 2022, in the Corpus Christi Division of the Southern District of Texas
and within the jurisdiction of the Court, the defendant,

TERRENCE JAMES BRUGGEMAN,

did knowingly possess a machinegun, that is, six (6) Rare Breed Triggers FRT-15.

In violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

COUNT TWO

On or about March 3, 2022, in the Corpus Christi Division of the Southern District of Texas
and within the jurisdiction of the Court, the defendant,

TERRENCE JAMES BRUGGEMAN,

did knowingly possess a firearm, as defined in Title 26, United States Code, Section 5845(a)(7),
namely a firearm silencer, as defined in Title 18, United States Code, Section 921(a)(25), to wit:
MOD: BRUG9, CAL: 9mm, SN: 02BRUG09, BRUGGEMAN TRUST, Portland Tx. This
firearm was required to be registered and was not in fact registered to the defendant in the
National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

COUNT THREE

On or about March 3, 2022, in the Corpus Christi Division of the Southern District of Texas and within the jurisdiction of the Court, the defendant,

TERRENCE JAMES BRUGGEMAN,

did knowingly possess a firearm, as defined in Title 26, United States Code, Section 5845(a)(7), namely a firearm silencer, as defined in Title 18, United States Code, Section 921(a)(25), to wit: a monocoire baffle assembly, a main tube, end-caps, "disk"-type baffles, and wave springs. This firearm was required to be registered and was not in fact registered to the defendant in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

COUNT FOUR

On or about March 3, 2022, in the Corpus Christi Division of the Southern District of Texas and within the jurisdiction of the Court, the defendant,

TERRENCE JAMES BRUGGEMAN,

did knowingly possess a firearm, as defined in Title 26, United States Code, Section 5845(a)(7), namely a firearm silencer, as defined in Title 18, United States Code, Section 921(a)(25), to wit: a black metal cylindrical device measuring approximately 28-7/8 inches in overall length, and has an outside diameter of approximately 1-3/4 inches at its major diameter not identified by a serial number as required by Title 26, United States Code, Section 5842.

In violation of Title 26, United States Code, Sections 5861(i), and 5871.

NOTICE OF CRIMINAL FORFEITURE
26 U.S.C. 5872 and 28 U.S.C. §2461(c)

Pursuant to Title 26, United States Code, Section 5872, and Title 28, United States Code, Section 2461(c), the United States give notice to defendant,

TERRENCE JAMES BRUGGEMAN,

That upon conviction of a violation of Title 26, United States Code, Sections 5861 and 5871, all firearms involved in such violation are subject to forfeiture.

PROPERTY SUBJECT TO FORFEITURE

The property subject to forfeiture includes, but is not limited to, the following property:

1. Six (6) Rare Breed Triggers FRT-15 seized on March 3, 2022, from a residence in Portland, Texas.
2. A firearm silencer identified as MOD: BRUG9, CAL: 9mm, SN: 02BRUG09, BRUGGEMAN TRUST, Portland Tx seized on March 3, 2022, from a residence in Portland, Texas.
3. A firearm silencer identified as a black metal cylindrical device measuring approximately 28-7/8 inches in overall length, and has an outside diameter of approximately 1-3/4 inches at its major diameter with no markings of identification or serial number seized on March 3, 2022, from a residence in Portland, Texas.
4. Firearm silencers, including any combination of parts, designed or redesigned, for use in assembling or fabricating a firearm silencer or firearm muffler seized on March 3, 2022, from a residence in Portland, Texas.

A TRUE BILL:

ORIGINAL SIGNATURE ON FILE

FOREPERSON OF THE GRAND JURY

JENNIFER B. LOWERY
UNITED STATES ATTORNEY

By:


LANCE WATT
Assistant United States Attorney

By:


JOHN G. MARCK
Assistant United States Attorney

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

v.

JOSE L. BERRÍOS-AQUINO,

Defendant.

SUPERSEDING INDICTMENT

Criminal No. 22-473 (DRD)

Violations:

18 U.S.C. § 922(o)

TWO COUNTS

THE GRAND JURY CHARGES:

COUNT ONE

Possession of a Machinegun

18 U.S.C. § 922(o)

On or about August 26, 2022, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant,

JOSE L. BERRÍOS-AQUINO

did knowingly possess a machinegun, that is, one Sharp Brothers pistol, model Jack-9, bearing serial number J9-03124, that had been modified so that it was capable of firing more than one shot, without manual reloading, by a single function of the trigger. All in violation of 18 U.S.C. §§ 922(o) and 924(a)(2).

COUNT TWO

Possession of a Machinegun
18 U.S.C. § 922(o)

On or about November 4, 2022, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant,

JOSE L. BERRÍOS-AQUINO

did knowingly possess a machinegun, that is, one Powered by Graves Alamo-15 trigger, two Wide Open Enterprises triggers, and one Rare Breed FRT-15 trigger, machinegun conversion devices, which are parts designed and intended solely and exclusively for use in converting a weapon to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. All in violation of 18 U.S.C. §§ 922(o) and 924(a)(2).

FIREARMS FORFEITURE ALLEGATION

The allegations contained in Counts One and Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).


Upon conviction of the offenses in violation of 18 U.S.C. § 922(o) as set forth in Counts One and Two of this Indictment, the defendant,

JOSE L. BERRÍOS-AQUINO

shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearm and ammunition involved in the commission of the offense, including, but not limited to: one Sharp Brothers pistol, model Jack-9, bearing serial number J9-03124, one Powered by Graves Alamo-15 trigger, two Wide Open

Enterprises triggers, and one Rare Breed FRT-15 trigger.


All in accordance with 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).


TRUE BILL 

FOREPERSON

Date: 4/20/23

W. STEPHEN MULDROW
United States Attorney


Jonathan Gottfried
Assistant United States Attorney
Chief, Violent Crimes Division


Linet Suárez
Assistant United States Attorney
Violent Crimes Division

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	Criminal No. 22-CR-30025-MGM (S-1)
)	
v.	)	Violations:
)	
DANIEL A. AUGUSTO, JR.	)	<u>Count One:</u> Unlawful Possession Of
	)	Machineguns
Defendant	)	(18 U.S.C. §§ 922(o) and 2)
)	
	)	<u>Counts Two Through Seven:</u> Unlawful
	)	Possession Of Unregistered Firearm; Aiding
	)	And Abetting
	)	(26 U.S.C. § 5861(d) and 18 U.S.C. § 2)
)	
	)	<u>Count Eight:</u> False Statements
	)	(18 U.S.C. § 1001(a)(2))
)	
	)	<u>Forfeiture Allegation:</u>
	)	(18 U.S.C. § 924(d)(1); 26 U.S.C. § 5872 and
	)	28 U.S.C. § 2461(c))
)	

SUPERSEDING INDICTMENT

COUNT ONE

Unlawful Possession Of Machineguns; Aiding And Abetting
(18 U.S.C. §§ 922(o) and 2)

The Grand Jury charges:

On or about February 23, 2022, in Hampden County, in the District of Massachusetts, the
defendant,

DANIEL A. AUGUSTO, JR.

did knowingly possess the following machineguns as defined by Title 26, United States Code,
Section 5845(b):

- a. One PTR Industries, Inc., model PTR 9, 9x19mm caliber firearm bearing serial number 9MC010480 with one magazine and an altered HK MP5-type machinegun trigger housing installed;
- b. One Imperial Arms Co., model EFFEN 90, assembled with a machinegun bolt carrier, a machinegun trigger housing assembly, and a machinegun “frame and trigger group” manufactured by Fabrique Nationale, in Herstal Belgium into a 5.7x28mm caliber firearm bearing serial number HXX37 with one magazine;
- c. Thirty-eight “switch-type” Glock machinegun conversion devices bearing a counterfeit Glock logo;
- d. Three Rare Breed FRT-15 forced reset triggers designed to allow drop-in installation into AR15-type firearms, with no serial number; and
- e. One Tommy Triggers FRT-15-3MD forced reset trigger designed to allow drop-in installation into M16-type firearms, with no serial number.

All in violation of Title 18, United States Code, Sections 922(o) and 2.

COUNTS TWO THROUGH SEVEN

Unlawful Possession Of Unregistered Firearm; Aiding And Abetting
(26 U.S.C. § 5861(d) and 18 U.S.C. § 2)

The Grand Jury further charges:

On or about February 23, 2022, in Hampden County, in the District of Massachusetts, the
defendant,

DANIEL A. AUGUSTO, JR.

did knowingly possess the following firearms, which had not been registered to the defendant in
the National Firearms Registration and Transfer Record as required by Title 26, United States
Code, Section 5841:

Count	Firearm
TWO	Short-barreled rifle – to wit, a PTR Industries, Inc., model PTR 9, 9x19mm caliber firearm bearing serial number 9MK001951 with a collapsible shoulder stock, thread protector, electronic sight, and forward grip, and with one magazine
THREE	Short-barreled rifle – to wit, a Sig Sauer, model MPX, 9x19mm caliber firearm bearing serial number 62B058947 with an electronic sight, a forward grip, and a Maxim Defense collapsible shoulder stock, and with one magazine
FOUR	Any other weapon – to wit, a S.W.D. Inc., Cobray model M-11 9mm firearm bearing serial number 87-0009677 with a secondary forward vertical grip attached to a forward accessory rail, a stock mounting adapter and an internally threaded muzzle device

Count	Firearm
FIVE	Any other weapon - to wit, an Intratec, model Tec-9, 9x19mm caliber firearm bearing serial number 54601, with a secondary forward grip and a synthetic sling
SIX	Firearms silencer – to wit, a black silencer with no markings
SEVEN	Firearms silencer – to wit, a black silencer with no markings

All in violation of Title 26, United States Code, Section 5861(d) and Title 18, United States Code, Section 2.

COUNT EIGHT
False Statements
(18 U.S.C. § 1001(a)(2))

The Grand Jury further charges:

On or about February 23, 2022, in Hampden County, in the District of Massachusetts, the defendant,

DANIEL A. AUGUSTO, JR.

knowingly and willfully made a materially false, fictitious and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, that is, during an interview with Special Agents of the Federal Bureau of Investigation, DANIEL A. AUGUSTO stated that: (a) all of the firearms in his residence belonged to his son and his girlfriend; and (b) he never asked his son or his girlfriend to purchase firearms. In truth and in fact, as the defendant well knew, these statements were false in that: (a) some of the firearms in his residence belonged to him; and (b) he had asked his son and his girlfriend to purchase firearms for him.

All in violation of Title 18, United States Code, Section 1001(a)(2).

FIREARM FORFEITURE ALLEGATION

(18 U.S.C. § 924(d)(1), 26 U.S.C. § 5872, and 28 U.S.C. § 2461(c))

1. Upon conviction of the offense in violation of Title 18, United States Code, Sections 922(o) and 2, set forth in Count One, and in violation of Title 26, United States Code, Section 5861, set forth in Counts Two through Seven, the defendant,

DANIEL A. AUGUSTO, JR.

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any firearm or ammunition involved in or used in any knowing commission of the offense, and, pursuant to Title 26, United States Code, Section 5872, and Title 28, United States Code, Section 2461(c), any firearm or ammunition involved in the offenses.


2. If any of the property described in Paragraph 1, above, as being forfeitable pursuant to Title 18, United States Code, Section 924(d)(1), Title 26, United States Code, Section 5861, and Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 1 above.

All pursuant to Title 18, United States Code, Section 924, Title 26, United States Code, Section 5861, and Title 28, United States Code, Section 2461.

A TRUE BILL


FOREPERSON

STEVEN H. BRESLOW
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS

District of Massachusetts: September 1, 2022
Returned into the District Court by the Grand Jurors and filed.


DEPUTY CLERK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

NATIONAL ASSOCIATION FOR GUN
RIGHTS, INC., ET AL.,

Plaintiffs,

v.

MERRICK GARLAND,
IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL
OF THE UNITED STATES, ET AL,

Defendants.

Civil Action No. 4:23-cv-00830-O

DECLARATION OF LES LAMBERT

I, Les Lambert, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this Declaration. The evidence set out in the foregoing Declaration is based on my personal knowledge.
2. I am a member of the National Association for Gun Rights.
3. I reside in West Virginia.
4. On October 2nd 2023, I received a call from an ATF agent who informed me that I was legally obligated to surrender my FRT-15 triggers.
5. Attached hereto as Exhibit A is a true and correct copy of the transcript of my call with the ATF agent.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 1, 2023


Les Lambert

EXHIBIT A

TRANSCRIPT OF PHONE CALL BETWEEN ATF AGENT AND NAGR MEMBER LES LAMBERT

ATF Agent: Hello?

Les: Ms. (name)?

ATF Agent: Yes.

Les: Hey, uh, I was just trying to, I was just trying to call you back there.

ATF Agent: I know, I saw I missed your call, my stupid phone didn't even ring. Sorry about that.

Les: That's alright.

ATF Agent: Um, yeah, so I was trying to... Are you Leslie Lambert?

Les: I am.

ATF: Okay, thank you for calling me back sir. Um, I'm calling about some forced reset triggers you purchased a while back. Do you remember that?

Les: I don't have anything really to say about any of that.

ATF: Well, I mean, do you remember purchasing the triggers?

Les: I don't have anything to say, anything about any triggers.

ATF: Okay, well, the reason I'm calling is we have been tasked, um, with trying to retrieve some of these triggers that were purchased. Um, looks like... I'm trying to find a date... back in 2022 you purchased one of these forced reset triggers. And unfortunately, since then, they have been deemed machine guns. So, you can't lawfully possess them. So, all we're trying to do is track them down... you know let you know that you can't have them. Um, and take them if you have it in your possession. I would leave you a receipt, like a property receipt, showing that we took it, in the event that, you know, you could ever try to get your money back. Um, but you can't have it, unfortunately it is illegal, so I just need to know, you know, whether you do or don't, um, still have those triggers.

Les: Wasn't there a uh, an injunction passed uh, Saturday, er, ordered Saturday? Against uh...

ATF: Not to my knowledge, and like I said unfortunately, I'm sure you can appreciate that...(inaudible, talking over each other)

Les: Out of the fifth circuit in, out of the fifth circuit in Texas. There was an injunction imposed on basically ATF for forced reset triggers.

ATF: Well, that's what I'm saying, in the event you could file something one day, I will give you a property receipt. But as it stands right now, I got told from my big people this is a machine gun, it's unlawful, I come get it.

Les: Yeah, yeah, I'm pretty sure there's an injunction against that right now.

ATF: Yeah so, like I said it might change in the future, but as it stands right now, you possess it, and we're just, you know, trying to do this as civilly as possible, I know it sucks. I don't want you to be in trouble. Um, so, just trying to figure out what to do about the trigger.

Les: Well, my understanding is there's an injunction, that has already been ordered by the federal judge down in Texas, covering all uh, NAGR members. Are you aware of that?

ATF: Like I said, I'm-I'm not, all I know is I was told from powers that be that are bigger than me, this came out saying that you have one, and it's illegal to have, and, you know, we need to take it in our possession.

Les: Yeah I'd probably, I'd probably research a little bit there on the latest injunction. Maybe you could pass it on to your powers that be.

ATF: Um...

Les: I mean, I'm just - just -

ATF: Other than being difficult, so I mean what are you telling me? You - you're not gonna turn it over? You don't have it?

Les: I don't have anyth...

ATF This has to be resolved one way or another. Either we take the trigger if you have it, and it's no big deal. We just take it, we give you a property receipt, you can file, you know, for your money back, or to get it back. Or we come out and you sign an affidavit saying that you no longer have it.

Les: Yeah, I don't have anything to say about any of that. Anything.

ATF: So you, you don't, I don't... So I guess we'll just come out to your house, uh, and see you in person, um, and get you to sign an affidavit, if you're saying you don't have the trigger.

Les: Well, I'd hate for you to waste a trip out.

ATF: Yeah, well, I don't, I don't have a choice. Um, so, are you still at the Piney, let me see, the 289 Piney Flats?

Les: I am.

ATF: Okay, are you going to be home tomorrow? We can come out tomorrow and just get this settled so you don't ever have to hear from me ever again.

Les: Well that um...

ATF: You working?

Les: I am.

ATF: Huh?

Les: I am working tomorrow.

ATF: Okay, I mean is there a time we can meet? I can work around your schedule.

Les: No that uh, just save yourself a trip I guess. I mean, there's no need to come here.

ATF: Okay well, that's what I'm trying to explain to you. If, if you don't have the trigger, I still have to have you sign a thing that you don't. So we're going to come see you at some point or another. And if we have

more reason to believe that you have the trigger, I can get a search warrant, um, to try to find it. But it doesn't have to come to that. Like, it does not need to come to that at all.

Les: Alright.

ATF: I just need to take the trigger into my possession if you have it, or have you sign saying that, you know, no longer do. It's really that simple.

Les: Well, I guess – I guess I'm, I'm done talking there. But uh, I appreciate you calling.

ATF: Okay well, I mean, we will, at some point make contact with you in the future. But again, I appreciate you calling me back. Um, and we will attempt to make future contact with you regarding the trigger.

Les: Okay, appreciate you.

ATF: All right.

Les: Have a good one.

ATF: Thank you, sir.

Les: Uh huh.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

NATIONAL ASSOCIATION FOR)
GUN RIGHTS, INC., et al.,)
Plaintiffs,) CASE NO. 4:23-CV-00830-O
VS.) FORT WORTH, TEXAS
MERRICK GARLAND, et al.,)
Defendants.) OCTOBER 2, 2023

VOLUME 1 OF 1
TRANSCRIPT OF EVIDENTIARY HEARING
BEFORE THE HONORABLE REED C. O'CONNOR
UNITED STATES DISTRICT COURT JUDGE

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1 injunction that would cover enforcement relating to effort
2 to use virtually anywhere against anyone.

3 This is significantly broader than plaintiffs have
4 asked at the TRO stage. And if you are, your Honor,
5 inclined to issue an injunction and to issue an injunction
6 broader than just individual plaintiffs, the government
7 would ask that it be limited in two important respects.

8 First, we would ask that it be limited to
9 enforcement against individual owners for possession of
10 forced reset triggers.

11 Plaintiffs here are obligated to demonstrate
12 standing for each relief sought and plaintiffs and members
13 are individual small-scale owners of forced reset trigger
14 devices.

15 So plaintiffs cannot demonstrate standing to the
16 extent the injunction -- sorry, I'm getting over a cold --
17 to the extent the injunction would apply to manufacturers,
18 to sellers, or to entities that give public statements or
19 statements to purchasers regarding the legality of FRTs. It
20 should be only limited to enforcement against small-scale --
21 or against owners.

22 Second, the government would ask that, if an
23 injunction were to issue broader than individual plaintiffs,
24 it be limited to the Northern District of Texas. The Fifth
25 Circuit and the Supreme Court have recognized that